

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2005 NOV -3 AM 11:39

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SO. DIST. OF GA.

UNITED STATES OF AMERICA : CRIMINAL ACTION
v. :
SANJAYKUMAR ARVINDBHAI :
PATEL : NO. CR205-034-5

ORDER

The federal government brought this prosecution against Patel for possession and use of false immigration documents, and for an alleged conspiracy that Patel entered into with others involving the use of fraudulent applications for temporary residence and employment authorization. Presently before the Court is Patel's request for a bench trial or, in the alternative, individual voir dire of potential jurors.

The government has not consented to a bench trial. Under Rule 23(a) of the Federal Rules of Criminal Procedure, Patel is not entitled unilaterally to waive trial by jury, at least absent a showing of compelling circumstances. See Singer v.

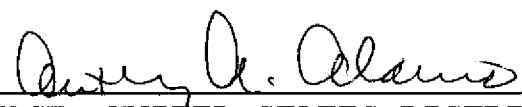
United States, 380 U.S. 24, 36-37 (1965); United States v. Lewis, 638 F. Supp. 573, 581 (W.D. Mich. 1986).

Patel has offered no basis for his request to proceed without a jury. Without offering a justification so compelling as to call into question Patel's ability to receive a fair trial, a bench trial is not warranted.

Likewise, Patel has failed to explain his request for individual voir dire. The Court concurs with the Government that, absent some specific showing to the contrary by Defendant, the Court's regular practice in conducting voir dire will protect Patel's due process rights.

For these reasons, Patel's requests for a bench trial and individual voir dire of potential jurors are **DENIED**.

SO ORDERED, this 3 day of November, 2005.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA